

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Crl.Rev.Pet.No. 3071 of 2007()

SC.1/2006 of SESSIONS COURT, ALAPPUZHA

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REVN. PETITIONER: PETITIONER-10TH ACCUSED.

AMBIKA, AGED 46 YEARS, W/O.SIVANANDAN,
CHEERANGATTU, CHERAI, ERNAKULAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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CrI.R.P. NO. 3071 of 2007

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Dated: 23-08-2007

ORDER

Revision petitioner who is a lady is the 10th accused in S.C. 1 of 2006 now pending before the Sessions Court, Alappuzha. Petitioner is said to have committed an offence punishable under Sec. 212 I.P.C. for allegedly harbouring some of the prime accused in the case. The trial of the case has already started before the Sessions Court , Alappuzha and 5 or 6 prosecution witnesses have already been examined. The prosecution proposes to reveal the complicity of the petitioner only at the stage of examination of charge witness No. 56 onwards. The turn of those witnesses is yet to arise. The petitioner claims to be employed at Koonoor in Tamil Nadu and finds it difficult to attend the court during the trial of the case. Eventhough I am not inclined to quash the charge framed by the court below as against the petitioner herein, I am inclined to give the petitioner an opportunity to move the Sessions Judge to excuse her absence when the unimportant witnesses are being examined. Even with regard to the examination of C.W.56 onwards, if the revision petitioner will not dispute the capacity of the prosecution witnesses to identify her, she

may be permitted to remain absent with a request that her counsel may be permitted to represent her. It shall be open to the Sessions Judge to consider her application to exempt her either permanently or temporarily, having regard to the importance of the witness and the desirability of exempting the petitioner during trial. Even if the court grants exemption to the petitioner it shall be without prejudice the right of the court to compel her attendance before Court, as and when found necessary.

With this liberty this petition is disposed of.

**V. RAMKUMAR,
(JUDGE)**

ani.

